IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33435 of 2008

1. JITU CHAUPAL
2. Narayan Chaupal
3. Kusheshwar Chaupal
4. Marni Devi @ Marina Devi
5. Moti Chaupal
6. Hira Chaupal
   All residents of Village – Beghant, Tola Bhasor,
   Police Station- Manigachhi, Dist- Darbhanga

Versus

STATE OF BIHAR

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2. 29.09.2008 Heard learned counsel for the petitioner and the State.

It is submitted that during the pendency of this application petitioner no. 2, Narayan Chaupal, Petitioner no. 3, Kusheshwar Chaupal and petitioner no. 5, Moti Chaupal have been arrested. As such, application against them has become infructuous.

Accordingly, the same is dismissed as infructuous.

Petitioners are accused in a case for the offences registered under Sections 366A of the Indian Penal Code.

The allegation is that the accused persons mentioned in the First Information Report, have kidnapped the daughter of the informant for the purpose of her marriage with the co-accused Dharma Chaupal and with whom marriage was solemnized.

It is submitted that the victim was examined under Section 164 Cr.P.C. in which she has specifically mentioned the complicity of co-accused Dharma Chaupal, who was alleged to be involved. However, she has not stated the name of these petitioners namely, Jitu Chaupal, Marni Devi @

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Marina Devi and Hira Chaupal.

Learned counsel for the State is not in a position to refute the submissions on behalf of the petitioners.

Considering the submissions as made above, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioners, namely, Jitu Chaupal, Marni Devi @ Marina Devi and Hira Chaupal be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Darbhanga in connection with Manigachhi P.S. Case No. 94 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Jagdish **(Shailesh Kumar Sinha,J)**